

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GARCIA A. FRANKLIN,  
Petitioner,  
  
v.  
  
A. NEIL CLARK,  
Respondent

CASE NO. C08-1117-RSM-JPD

## ORDER OF DISMISSAL

The Court, having reviewed petitioner's 28 U.S.C. § 2241 petition, all papers and exhibits in support and in opposition to that petition, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's Petition for Writ of Habeas Corpus, Dkt. 7, is DENIED, Respondent's Motion to Dismiss, Dkt. 13, is GRANTED, and this action is DISMISSED without prejudice; and
- (3) The Clerk is directed to send copies of this Order to the parties and to Judge Donohue.

DATED this 19<sup>th</sup> day of September, 2008.

  
RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE

## ORDER